

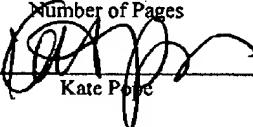
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 29 2009

<b>In re United States Patent Application of:</b>	)	<b>Docket No.:</b>	<b>2771-351</b>
	)		
	)		
<b>Applicants:</b>	)	<b>Conf. No.:</b>	<b>5883</b>
NOAH, Craig M., et al.	)		
	)		
<b>Application No.:</b>	)		
09/720,832	)		
	)		
<b>Date Filed:</b>	)		
June 30, 1999	)		
	)		
<b>Title:</b>	)	<b>Customer No.:</b>	
SYSTEM FOR SUPPLY OF MULTIPLE CHEMICALS TO A PROCESS TOOL	)		<b>23448</b>
	)		

FACSIMILE TRANSMISSION CERTIFICATE**Fax No. (571) 273-8300**

I hereby certify that this document is being filed in the United States Patent and Trademark Office, via facsimile transmission, addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, transmitted on the date specified below, to United States Patent and Trademark Office facsimile transmission number (571) 273-8300.

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 Number of Pages  
  
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 Kate Pope  
 \_\_\_\_\_  
 April 29, 2009  
 \_\_\_\_\_  
 Date

REQUEST FOR CLARIFICATION OF APPLICATION STATUS AND CONFIRMATION THAT  
U.S. PATENT APPLICATION NO. 09/720,832 IS IN PROPER FORM FOR EXAMINATION

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450

Sir:

On April 21, 2009 the undersigned attorney received a copy of a Notice of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.495 (copy enclosed). Such Notice indicates completion of all requirements for the above-identified U.S. patent application as of March 28, 2001.

Accompanying the Notice of Acceptance was a further document entitled Letter Regarding a New Notice and/or the Status of the Application (copy enclosed). Such Notice states that if a new notice or Filing Receipt is enclosed with the Notice, then the time period for reply to such Notice runs from the mail date of the new

2771-351

notice, in this case, April 21, 2009. The Letter also states that if the Office previously granted a Petition to Withdraw the holding of abandonment or a Petition to Revive, the status of the application has been returned to 'pending.'

The undersigned attorney does not believe a reply to the April 21, 2009 Notice to be necessary because the April 21, 2009 Notice of Acceptance evidences all requirements of the application to have been received.

Also, the USPTO granted Applicants' March 28, 2001 Petition for Revival of the present application on August 1, 2007 (copy enclosed). Accordingly, the current status of the application should be 'pending,' as indicated in the April 21, 2009 Letter. However, a review of the USPTO PAIR record for the application still does not show the status of the application to be 'pending.'

Accordingly, the undersigned attorney requests (i) confirmation from the USPTO that the application is in order for examination and that no reply to the April 21, 2009 Notice is necessary, and (ii) the immediate update of USPTO PAIR record to show the status of the application as 'pending.'

If questions remain, the USPTO is requested to contact the undersigned attorney at (919) 419-9350 to discuss same, so that this application may move quickly to examination.

Respectfully submitted,



Steven J. Hultquist  
Reg. No. 28,021  
Attorney for Applicant(s)

INTELLECTUAL PROPERTY/  
TECHNOLOGY LAW  
Phone: (919) 419-9350  
Fax: (919) 419-9354  
Attorney File No.: 2771-351

**Enclosures:**

**Notice of Acceptance [2 pgs.]**  
**Letter [1 pg.]**  
**Decision on Petition [3 pgs.]**

The USPTO is hereby authorized to charge any deficiency or credit any overpayment of fees properly payable for this document to Deposit Account No. 08-3284

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UNITED STATES DEPARTMENT OF COMMERCE  
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[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/720,832	Craig M. Noah	2771-351
23448 INTELLECTUAL PROPERTY / TECHNOLOGY LAW PO BOX 14329 RESEARCH TRIANGLE PARK, NC 27709		INTERNATIONAL APPLICATION NO.
		PCT/US99/14845
RECEIVED APR 29 2009 IPTL		I.A. FILING DATE
		PRIORITY DATE
		06/30/1999
		06/30/1998
CONFIRMATION NO. 5883 371 ACCEPTANCE LETTER		
 OC000000035581697		

Date Mailed: 04/21/2009

**NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495**

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

03/28/2001	03/28/2001
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 03/28/2001
- Copy of the International Search Report filed on 03/28/2001
- Copy of IPE Report filed on 03/28/2001
- Copy of Annexes to the IPER filed on 03/28/2001
- Preliminary Amendments filed on 03/28/2001
- Information Disclosure Statements filed on 11/19/2007
- Oath or Declaration filed on 03/28/2001
- U.S. Basic National Fees filed on 03/28/2001
- Power of Attorney filed on 03/28/2001

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

CATHERINE D SHORT

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Telephone: (703) 756-1406

page 2 of 2

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FORM PCT/DQ/EO/903 (371 Acceptance Notice)



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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO/TITLE
09/720,832		Craig M. Noah	2771-351

**CONFIRMATION NO. 5883**

23448  
INTELLECTUAL PROPERTY / TECHNOLOGY LAW  
PO BOX 14329  
RESEARCH TRIANGLE PARK, NC 27709

**WITHDRAWAL NOTICE**



OC000000035581597

Date Mailed: 04/21/2009

**Letter Regarding a New Notice and/or the Status of the Application**

If a new notice or Filing Receipt is enclosed, applicant may disregard the previous notice mailed on 02/06/2001. The time period for reply runs from the mail date of the new notice. Within the time period for reply, applicant is required to file a reply in compliance with the requirements set forth in the new notice to avoid abandonment of the application.

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If the reply is not filed electronically via EFS-Web, the reply must be accompanied by a copy of the new notice.

If the Office previously granted a petition to withdraw the holding of abandonment or a petition to revive under 37 CFR 1.137, the status of the application has been returned to pending status.

/cdshort/

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Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101



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**01 AUG 2007**

Intellectual Property / Technology Law  
 PO Box 14329  
 Research Triangle Park, North Carolina 27709

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**APR 29 2009**

In re Application of  
 NOAH et al.  
 Application No.: 09/720,832  
 PCT No.: PCT/US99/14845  
 Int. Filing Date: 30 June 1999  
 Priority Date: 30 June 1998  
 Docket No.: ADCS-013US  
 For: SYSTEM FOR DELIVERY OF MULTIPLE  
 CHEMICALS TO PROCESS TOOL

This decision is issued in response to applicant's "Petition for Revival of this Application for Unintentional Abandonment under 37 CFR 1.137(b)" filed 28 March 2001 and applicant's "Request for U.S. Patent and Trademark Office Action on Petition for Revival Filed March 23, 2001 in U.S. Patent Application no. 09/720,832" filed 17 May 2007.

**BACKGROUND**

On 30 June 1999, applicant filed international application PCT/US99/14845 which claimed a priority date of 30 June 1998. A Demand for International Preliminary Amendment was made by the 19<sup>th</sup> month from the earliest claimed priority date. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 30 December 2000.

On 28 December 2000, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*: a copy of the international application and a preliminary amendment.

On 06 February 2001, the United States Designated/Elected Office mailed a Notification of Abandonment under 37 CFR 1.495 (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide the full U.S. Basic National Fee by 30 months (37 CFR 1.495(b)(2)).

On 28 March 2001, applicant filed a "Petition for Revival of this Application for Unintentional Abandonment under 37 CFR 1.137(b)" which included: the basic national fee; the petition to revive fee, and an executed declaration/power of attorney.

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On 17 May 2007, applicant filed a "Request for U.S. Patent and Trademark Office Action on Petition for Revival Filed March 23, 2001 in U.S. Patent Application no. 09/720,832."

### DISCUSSION

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

Regarding item (1), the "required reply," section 711.03(c) of the Manual of Patent Examining Procedures states that:

[g]enerally, the required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed.

Here, because the international application was filed in the United States Receiving Office, a copy of the international application is not required. The "required reply" is therefore a payment of the basic national fee. The Petition For Revival filed on 28 March 2001 was accompanied by a payment of the basic national fee. Thus, applicants have made a submission which would have been "sufficient to have avoided abandonment" had it been made in a timely manner, that is, on or before 30 December 2000. Accordingly, applicants have submitted the "required reply." Item (1) is satisfied.

Item (2) is the petition fee required under 37 CFR 1.17(m). The Petition For Revival was accompanied by a check for the appropriate petition fee. Item (2) is satisfied.

As for item (3), the Petition For Revival expressly states that the "entire delay in filing the required reply from the due date until the filing of this petition was unintentional." Item (3) under 37 CFR 1.137(b) is satisfied.

Under the terms of 37 CFR 1.137(c), the terminal disclaimer listed as item (4) above is not required for this application. Applicants have therefore satisfied all the requirements for a grantable petition under 37 CFR 1.137(b). The Petition For Revival is granted.

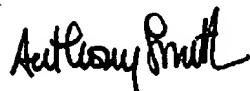
### CONCLUSION

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All of the requirements of 37 CFR 1.137(b) have been met and applicant's petition to revive is GRANTED.

This application is being returned to the United States/Elected Office for processing in accordance with this decision.



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